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MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Andersen, et al.	:	
Application No. 10/560,827	:	ON PETITION
Filed: May 19, 2006	:	
Attorney Docket No. 37621/390.1	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 14, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the final Office action, mailed September 17, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on December 18, 2008. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and filed the required reply in the form of an RCE.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1110.00 extension of time fee submitted with the petition on May 14, 2009

was subsequent to the maximum period obtainable for reply (March 17, 2009), this fee has been refunded to petitioner's Deposit Account 50-2375.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to Group Art Unit 3767 for consideration of the RCE, filed May 14, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions